

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SUSAN PINSKY,	:	ECF
	:	
Plaintiff,	:	07 Civ. 3328 (CM) (HP)
	:	
- against -	:	<b>REPLY AFFIDAVIT OF</b>
	:	<b>MELISSA CELSO IN</b>
JP MORGAN CHASE & CO.,	:	<b>FURTHER SUPPORT OF</b>
	:	<b>DEFENDANT'S MOTION</b>
Defendant.	:	<b><u>FOR SUMMARY JUDGMENT</u></b>

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STATE OF OHIO                    )  
                                          ) SS.:  
COUNTY OF FRANKLIN        )

MELISSA CELSO, being duly sworn, deposes and says:

1. I am an Assistant Vice President and Marketing Lead in the Marketing Program Office of the Retail Financial Services Consumer Banking line of business of JPMorgan Chase Bank (the "Bank"). I have held this position since December 2004.

2. I am the program manager of the Retail Financial Services National Campaign, which includes all bank branch merchandising. Execution of the merchandising includes all creative development, approvals, printing and delivery to the branches.

3. I am familiar, based on personal knowledge, information and belief, and/or the records of the Defendant, with the facts and circumstances hereinafter set forth. I make this reply affidavit in further support of Defendant's motion for summary judgment pursuant to Fed. R. Civ. P. 56(b).

4. I was sent a copy of a photograph showing a woman sitting at a desk in front of a computer monitor and a poster showing a banner for a Bank marketing campaign. A copy of that

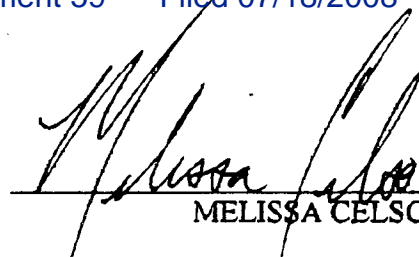
photograph is attached hereto as Def. Reply Ex. "10". There are words visible in the photograph that state "TEXT YOUR \_\_\_\_ AND WE'LL TEXT YOU \_\_\_\_" and near the bottom of the poster "\_\_\_\_BILE".

5. Upon receiving the photo, I knew immediately that this banner was part of the early 2008 merchandising set. I went through my files to find the C1'08 National Campaign merchandising planogram to determine which element was in the photo. At that time, I determined that this was one of our Interior Banners (each banner stand has two banners – this was one of them). The complete message on the actual banner reads "WANT TO KNOW YOUR BALANCE? TEXT YOUR ACCOUNT AND WE'LL TEXT YOU BACK". Near the bottom of the banner are the words "INTRODUCING CHASE MOBILE". A true and correct copy of that banner is attached hereto as Def. Reply Ex. "11".

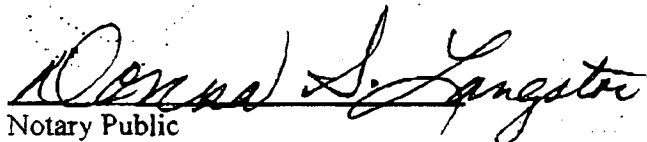
6. Frederic Lieberman asked me to determine when the Bank used the marketing campaign shown in that banner. This item was sent to all branches through the January 2008 One Box. The One Box was shipped from Archway at the end of December and the earliest possible date that this merchandising item could be in the branch would be December 26, 2007.

7. The photograph attached hereto as Def. Reply Ex. "10" could not have been taken any earlier than December 26, 2007.

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\_\_\_\_\_  
MELISSA CELSO

Sworn to before me this  
17TH day of July, 2008

  
\_\_\_\_\_  
Notary Public

DONNA S. LANGSTON  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION EXPIRES APRIL 17, 2010

**Defendant's Reply Exhibit 10**



**Defendant's Reply Exhibit 11**

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# WANT TO KNOW YOUR BALANCE?

TEXT YOUR ACCOUNT  
AND WE'LL TEXT YOU BACK.



## INTRODUCING CHASE MOBILE

Delivering account information via text  
message in seconds, to help you stay on  
top of your balance wherever you go.

Sign up today at [Chase.com/Mobile](http://Chase.com/Mobile)